

The stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

ISSUES

What is the nature and extent of claimant's injury and disability?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, and in addition the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

In reviewing the Award of the Administrative Law Judge, the Appeals Board finds the findings of fact and conclusions of law set out therein accurately depict the findings and conclusions deemed appropriate and correct by the Appeals Board in this matter. The Appeals Board adopts the Award of the Administrative Law Judge in toto as its own and incorporates same as its Award. In so finding, the Appeals Board awards claimant a five percent (5%) permanent partial disability to the body as a whole for the injuries suffered on May 26, 1991, while employed with respondent.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Alvin E. Witwer dated April 26, 1994, is affirmed in all respects and claimant is entitled to 66.29 weeks permanent partial disability compensation at the rate of \$18.78 in the sum of \$1,244.93, based upon an average weekly wage of \$563.34, followed thereafter by 348.71 weeks permanent partial disability compensation at the rate of \$22.09 in the sum of \$7,703.00, based upon an average weekly wage of \$662.52 effective September 1, 1992, for a total award of \$8,947.93.

As of June 13, 1995, there would be due and owing to the claimant 66.29 weeks permanent partial disability compensation at the rate of \$18.78 per week, in the sum of \$1,244.93, followed by 145.14 weeks permanent partial disability compensation at the rate of \$22.09 per week, in the sum of \$3,206.14, making a total amount due and owing of \$4,451.07, to be paid in one lump sum minus amounts previously paid. Thereafter, claimant is entitled 203.57 weeks permanent partial disability compensation at the rate of \$22.09 per week, in the sum of \$4,496.86, until fully paid or until further order of the Director.

Fees and expenses necessary to defray the expense of the administration of the Workers Compensation Act shall be assessed against the respondent as follows:

Hostetler & Associates, Inc.	\$565.10
Braksick Reporting Service	\$617.50
Richard Kupper & Associates	\$237.00

IT IS SO ORDERED.

Dated this ____ day of June, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Eugene C. Riling, Lawrence, Kansas
David J. Bogdan, Kansas City, Missouri
Alvin E. Witwer, Administrative Law Judge
George Gomez, Director